

### **REMARKS**

Claims 1-16, all the claims pending in the application, stand rejected. On the basis of the following analysis, these claims clearly are patentable. New dependent claims 17-26 have been added and are patentable because of their dependency from allowable parent claims.

#### ***Claim Rejections - 35 U.S.C. § 112***

Claims 5, 10 and 12-13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner states that the claimed game machines are adapted to accept “speech registration data desired by a player” but finds the claims rejectable because they fail to further detail what is included in “speech registration data.” The Examiner asserts that the failure to disclose the composition of speech registration data permits any aspect of speech to be accepted. This rejection is traversed on two bases.

First, in general, in making this rejection, the Examiner is impermissibly requiring details from the specification to be added to the claims. As is well established in the law of the United States, the specification is merely required to disclose the invention in a manner that enables one of ordinary skill in the art to make and use the invention. Construction details are not required. Moreover, the claims are intended to identify the detailed features of the invention, and are not intended to act as a construction document.

Second, the term “speech registration data” would be understood by its use in the specification. Throughout the specification, the phrase “speech registration data” is used, for example at page 5, line 27 to page 6, line 6, page 16, line 17 to page 17, line 15 and page 25, line 5 to page 26, line 5. While the term is not expressly defined, the content of the above disclosure, for example, the statement at page 16, lines 23 that “speech registration data is accepted, and synthesized speech in which the speech registration data is reflected is formed when giving a running commentary of a race using the synthesizes speech” would lead to a conclusion that the “speech registration data” comprises pre-formed words, phrases or statements.

As an example of the precise nature of such “speech recognition data” to be input by a player, reference is made to the disclosure beginning at page 25, line 5. There the speech registration data as a player’s name or nickname is identified. The speech registration data is used to produce a racehorse identifier specific to the user by combining the speech registration

data with a pre-stored racehorse name. For example, when the player's name "Suzuki" is registered as the speech registration data and "Brian" is stored as the racehorse name, the name for a specific race would be "Suzuki Brian."

On the basis of the foregoing explanation, which relies on the original disclosure, this rejection should be overcome.

***Claim Rejections - 35 U.S.C. § 103***

**Claims 1-2, 6-7, 11 and 14-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sitrick (4,572,509) in view of Wilson et al (5,411,258). This rejection is traversed.**

The rejected claims include independent method claim 1 and independent system claim 11. These claims are directed to an on-line game method and apparatus where there are a plurality of game machines connected to a central control unit and operative to conduct a distributed single betting-type racing game played by a plurality of players assembled in one place. Of significance, the control unit provides all of the remote game machines with game-related data needed to execute the racing game. Thereafter, all of the game machines simultaneously execute the racing game based on the game-related data. During execution, the control unit collects execution states of the race at the several game machines (i.e., the position of respective horses around the track at various times) as well as betting odds generated by all the game machines. The results are presented in real time including the execution states and integrated betting odds, using visual and/or audio information. An embodiment of the invention is illustrated in Fig. 2 and the process of controlling the multi-player game is illustrated in Figs. 5 and 6.

Of significance in the claims is the stated responsibility of the controller and the remote game machines. First, there is the step of simultaneously executing the racing game by each of the game machines. This is significant because each game machine represents a horse owned by the player, and the characteristics of that horse can be set and modified by the player. Thus, each game machine generates inputs with regard to the individual performance of each horse independently of the other game machines, under operator control. The breeding, care, training, etc. that the player has assigned to the horse in advance will affect its overall performance during

the race. Second is the step of collecting at the controller the execution states on the race from all of the game machines and the betting odds generated by all the game machines. This step is significant because the unique execution states from each game machine, and betting data from each machine, are the inputs to a central controller. Third, there is the step of presenting in real time the collected race execution states and integrated betting odds to the players at all the game machines.

### Sitrick

The Examiner looks to Sitrick for the teaching of a basic master/slave arrangement for a game apparatus. Specifically, as illustrated in Fig. 2C, a master controller 3000 which is connected to a plurality of game units VG1-VGn via communication lines 2100, each game unit having its own display. An alternative embodiment in Fig. 2D has a master display unit at the controller 3000. As explained at col. 6, lines 3-38, with regard to Fig. 3, a logical sequencing is provided centrally or on a distributed basis between the master controller and the user consoles VG<sub>1</sub>-VG<sub>n</sub>, the allocation being a design variable. The master controller and/or distributed logic sequencing means provides one of a plurality of display functions responsive to user activation of a control at the game consoles. Fig. 7 illustrates another distributed architecture. Fig. 6 illustrates the structural layering of the hardware and software elements in the system (col. 8, lines 48+).

Applicant respectfully submits that the execution of the game at each game machine on the basis of parameters assigned in advance is not taught by Sitrick. Also, the Examiner correctly observes that Sitrick also does not teach a distributed game system for use with a betting game, particularly one with odds.

The Examiner does point to a teaching in Sitrick that a racing type game, such as an auto race, can be played on the system, and concludes that the teachings are also applicable to a horse race game. However, the Applicant respectfully disagree that Sitrick suggests a horse racing game, or any game with betting. The auto racing-type game suggested by Sitrick would not involve betting or the placement of odds. Such games from the 1990 timeframe simply related to racing a car of one driver against the car of another driver where the skill of the drivers, rather than luck and odds, would be the determining factor. Thus, Applicant traverses the Examiner's

conclusion that one would be motivated to modify Sitrick to include wagering on the race game to further increase excitement, since wagering is not common in auto type races. Even though a monetary stake may be involved for the drivers, it is not on the basis of a wager placed by the observers who are the players in a horse race game. In fact, Applicant respectfully submits that, because Sitrick is focused on auto racing and does not mention horse racing or any other type of player wagering game, it teaches away from the present invention.

### **Wilson**

Turning to Wilson, this game teaches a stand-alone system where one player can play alone or a plurality of players can take turns at playing a horse race-type game, selectably at different skill levels. The game is summarized at col. 19, lines 40-49. The game does provide a predetermined audio and video playback for the enjoyment of all of the players around a single terminal, the audio including unique voice inflection (col. 11, line 6+). The game also provides for betting, odds calculation and use of racing forms (col. 7, line 4 to col. 9, line 32). However, there is no consideration in Wilson of an ability of a player to have parameters for a respective horse entered beforehand and used as a basis for independent execution of a game for that player. Moreover, there is no consideration of a distributed game system, nor is the technology for providing such a game system disclosed.

More specifically, there is no consideration that plural game units can be used to (1) select in advance the parameters for a race horse, (2) generate race execution states for a respective horse and (3) interactively participate in the running of a race, including the real time calculation of odds and wagers for multiple terminals with the associated display in real time of the race results. In particular, there is no teaching or suggestion of the simultaneous distribution of the game data to the game units from a controller and the corresponding interactive communication of bets and odds making for these remote stations. Wilson uses predetermined races stored on a CDR and does not appear to permit horses to have variable parameters. While Wilson does teach a race wagering system where multiple players can bet and odds are calculated and a betting pool maintained on the basis of a racing form, the technology involved in a distributed game, as claimed, is wholly different.

Claims 2 and 7, 11, 14 and 15 include additional details that further emphasize the uniqueness of the distributed-type racing game with associated betting and odds making, which is not seen in the prior art. The particular manner in which it is done (players compete in running abilities of running models whose running abilities are improved), as set forth in the claims, is not seen in the prior art, nor would it be obvious to do so on the basis of the teachings of the prior art, since no implementation is taught or suggested.

As to all of the rejected claims, and the newly added dependent claims, Applicant submits that it requires hindsight for the Examiner to reach the conclusion that the game taught by the Applicant could in fact be designed on the basis of the teachings in the two very different references.

**Claims 3-4, 8-9 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sitrick in view of Wilson and further in view of Khosla '063.** This rejection is traversed.

The Examiner admits that the combination of Sitrick and Wilson does not teach providing data from a real time race as game data. However, the Examiner looks to Khosla for a race simulation game that gathers real time data and provides the data to a computer system to create a concurrent simulation of a live event. The Examiner asserts that the references are related and that there is a motivation to combine their teachings to increase drama and publicity in an interactive game.

### **Khosla**

The claims are directed to a feature of processing event data at the central control unit and sending the result of the processing to the individual game machines, including data related to actual races as briefly described at pages 19 and 20 of the specification. Nothing in Khosla remedies the deficiencies of Sitrick and Wilson. Accordingly, Applicant respectfully submits that, for the reasons already given in support of the patentability of the parent claims over Sitrick and Wilson, and in view of the failure of Khosla to remedy the deficiencies of the two main references, the claims are patentable. In particular, Khosla does not teach the specific steps of collecting, processing and displaying odds regarding a race, and in fact, distinguishes race games with betting at col. 1, line 64-col. 2, line 10. Moreover, Khosla does not teach the

preprogramming of parameters for a participant's horse. Applicant again asserts that these features are a basis for distinction of the invention in the original and new claims.

**Claims 5, 10 and 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sitrick in view of Wilson, and further in view of Best '026.** This rejection is traversed.

The Examiner asserts that the combination of Sitrick and Wilson teaches the claim limitations but does not teach using synthesized speech selected by game players. The Examiner looks to Best for a teaching of synthesized speech that is selected by a game for integration and to a video game. The Examiner concludes it would have been obvious to modify the two primary references to use synthesized speech to announce race execution states for a more realistic game atmosphere, including accent or intonation.

With regard to claim 12, the Examiner admits that Best does not teach the speech data stored on a control unit, while the speech and commentator engine are on separate game machines. The Examiner asserts that Best teaches speech data storage and retrieval on the main unit (col. 4, lines 1-27) and also portions of a game are executed on a remote game device (Fig. 13).

The Examiner admits that the combination of Sitrick and Wilson and Best do not teach the speech synthesis or commentator executing on the remote game machines. However, the Examiner looks to the combination for a teaching of a distributed audio/video game where aspects of the game are executed and run on both the main controller and a game machine, where the game machine may have processors and audio output devices as in Sitrick (col. 3, lines 1-19). The Examiner asserts that one would be motivated to modify Sitrick in view of Wilson and further in view of Best to use the remote game device to generate the speech synthesis and commentator dialogue to use distributed computing techniques. The Examiner asserts that the smaller central control processor will reduce overall system cost as a smaller processor cost less.

### **Best**

Best concerns video entertainment systems in which human viewers conduct simulated voice conversations with screen actors or cartoon characters in a branching story game. The characters respond with lip-synched sounds to words spoken by the players. Different audio and video frames are generated from a video disc and laser memory to provide the alternative replies.

The viewer's speech is recognized by a speech unit. In one embodiment, the viewer can participate in a baseball game, as noted by the Examiner as his basis for asserting that the system could be applied to a race. The system is microprocessor based, which controls the video play as well as the processing of the audio inputs from the viewer to a microphone. The story is implemented by a scheduling unit 35, as disclosed at col. 11, line 19 or a processor as disclosed at col. 14, line 35.

The difference is that the present invention uses speech registration data desired by a player. The player can predetermine the speech registration information and it is then used in combination with speech synthesis. The players have control of the speech registration information that is input. By contrast, the Best system responds to user commands, but does not use speech registration data selected by a user, or have a device to accept such data. The speech registration data is used with synthesized speech to create an audio presentation, and is not speech commands, as used in Best.

Even if the Examiner points to the suggestion in Best teaches at col. 3, line 3 that a user can select names (e.g., a player's name) to be pronounced by the cartoon or character during the game play, Applicant respectfully notes that the selection is made at the store, as disclosed at col. 20, lines 1-20.

### *New Claims*

The present independent claims do not specify the originally disclosed step of predetermining characteristics of the players running model or race item in advance, whether it be a horse, boat, auto or the like, as disclosed at page 17 of the original specification. For example, the predetermined characteristics (horse type, shoes, jockey, etc) may have varying degrees of compatibility with the race environment, such as weather, track condition or the like. This feature clearly is not found in the prior art games. Accordingly, Applicant has added new claims 17 and 18, which are directed to this feature.

Also, the feature that the control unit controls each of the plurality of game machines so as to synchronize the start of race games respectively executed by the plurality of game machines is now claimed in new claims 19 and 20.

The feature that the control unit computes integrated odds which are common among all of the plurality of game machines based on betting odds inputted by each player at each of the plurality of game machines has been added in new claims 21 and 22.

The feature that the races executed by the plurality of game machines are independent of each other has been added as new claims 23 and 24, and the feature that the controller unit collects executing states of the races and presents the collected race execution states to the players surrounding all the game machines using at least one of visual information and auditory information in real time, has been added in new claims 25 and 26.

All of these features are disclosed in the original specification, particularly with respect to the operation of the system beginning at page 19, line 24.

### ***Conclusion***

Applicant respectfully submits that the basis for distinguishing the present invention from the cited prior art has been clearly demonstrated. Moreover, the claims are distinguishable over the cited prior art as well as the newly cited art (JP 10-216355 and JP 08-000829) being submitted in an accompanying Information Disclosure Statement. Accordingly, all of claims 1-21 now should be allowable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.



The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE



23373

PATENT TRADEMARK OFFICE

A handwritten signature in black ink, appearing to read 'Alan J. Kasper', written over a horizontal line.

Alan J. Kasper  
Registration No. 25,426

Date: January 3, 2003

**APPENDIX**  
**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

**Claims 17-26 are added as new claims.**